THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23039 of 2005

DATED:26.10.2005

Between:

D. Appaiah

…Petitioner

And

The Executive Engineer,

Irrigation Department, Palvancha Division

Khammam District, and another

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.23039 OF 2005

ORDER:

The petitioner is allegedly owner of agricultural land admeasuring Acs.3.00 in S.No.185/6/E of Maddulapally Village, Kamepally Mandal, Khammam District. He alleged that second respondent employed contractors M/s.Katrala Rambabu, Sama Mohan Reddy, Sunkari Damodhar Reddy, Bhanothu Halisingh, Rasala Hanumanthu to excavate mud and soil from the petitioner's land over an extent of Acs.1.00 and the soil was taken away rendering the land useless for cultivation. The petitioner therefore seeks a declaration that such action is illegal and also claims compensation in a sum of Rs.60,000/- for the loss.

In the affidavit accompanying the Writ Petition, the petitioner did not give the period

during which the second respondent and other contractors took away the mud and soil. Be that as it is, if the petitioner's land is being damaged by removing the surface and soil rendering the land useless, nothing prevented the petitioner to approach this Court or other Court immediately. After soil is removed and when the petitioner found the land unfit for cultivation, he filed the Writ Petition. For this reason, the Writ Petition cannot be entertained. If so advised, the petitioner may file civil suit claiming compensation from respondent No.1 and other contractors who removed/excavated soil from petitioner's land admeasuring Acs.1.00 in S.No.185/6/E of Maddulapally Village.

The Writ Petition is accordingly dismissed.

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(V.V.S.RAO, J)

26.10.2005

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